

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 17-774V

Filed: June 15, 2018

UNPUBLISHED

AMY NMN HAYES, as Natural
Guardian and Legal Representative of
ATA, a minor,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Special Processing Unit (SPU);
Ruling on Entitlement; Concession;
Table Injury; Rotavirus Vaccine;
Intussusception

Nancy Routh Meyers, Ward Black Law, Greensboro, NC, for petitioner.

Jennifer Leigh Reynaud, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

Dorsey, Chief Special Master:

On June 12, 2017, petitioner filed a petition for compensation on behalf of ATA, a minor, under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,² (the “Vaccine Act”). Petitioner alleges that as a result of receiving a rotavirus vaccination on September 17, 2014, ATA suffered from an intussusception two days after receipt of said vaccination.. Petition at 9. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On April 20, 2018, respondent filed his Rule 4(c) report in which he concedes that petitioner is entitled to compensation in this case. Respondent’s Rule 4(c) Report

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims’ website, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

at 1. Specifically, respondent states that “[p]etitioner is entitled to a presumption of causation because ATA’s intussusception first manifested within one to twenty-one days of his receipt of his first rotavirus vaccine, and there is not a preponderance of evidence that his condition is due to a factor unrelated to his rotavirus.” *Id.* at 3. Respondent further agrees that “based on the record as it now stands, petitioner has satisfied all legal prerequisites for compensation under the Vaccine Act.” *Id.*

In view of respondent’s position and the evidence of record, the undersigned finds that petitioner is entitled to compensation.

IT IS SO ORDERED.

s/Nora Beth Dorsey

Nora Beth Dorsey
Chief Special Master